

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: AVANDIA MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION	: AVANDIA MDL 1871 : 2007-MD-1871
THIS DOCUMENT RELATES TO: ALL ACTIONS	: HON. CYNTHIA M. RUFÉ

**PRE-TRIAL ORDER NO. 240**

**DISBURSEMENT NOTICE TO MEDICARE ADVANTAGE ORGANIZATIONS NOT  
PARTICIPATING IN A PRIVATE LIEN RESOLUTION PROGRAM**

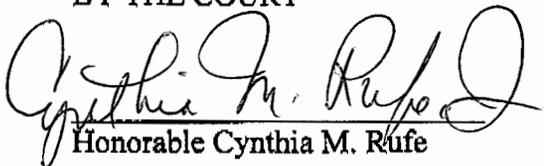
AND NOW, this 21<sup>st</sup> day of May 2015, the Court hereby issues its Disbursement

Notice to each Medicare Advantage Organization ("MAO") that is not participating in an Avandia Private Lien Resolution Program and has not responded to an earlier notice of its opportunity to assert a reimbursement or subrogation claim related an Avandia personal injury claimant's Avandia use.

Such MAOs are hereby notified that, if a reimbursement or subrogation claim is not made in writing to Garretson Resolution Group, at 2115 Rexford Road, 4th Floor, Charlotte NC 28211, within 30 days from the date hereof, then whatever reserve may be in place to provide for satisfaction of such a claim may be disbursed to the claimant.

It is so Ordered.

BY THE COURT

  
Honorable Cynthia M. Rufe

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May 20, 2015

*Via Facsimile and U.S. Mail*

Honorable Cynthia M. Rufe  
United States District Court  
Eastern District of Pennsylvania  
601 Market Street, Suite 12614  
Philadelphia, PA 19106

Re: *In Re: Avandia Marketing Sales Practices and Products Liability  
Litigation, MDL No. 1871, 07-md-01871*

Dear Judge Rufe:

As I advised the Court by my separate letter of today, resolution of the claims by Humana Medical Plan, Inc. and Humana Insurance Company (together, "Humana") under their Private Lien Resolution Program and otherwise is proceeding. It is the expectation of GlaxoSmithKline LLC ("GSK") that Humana's action against it in this Court should be able to be dismissed by July 31, 2015.

I am writing this letter in an effort to bring to conclusion the process by which potential claims by MAOs that are not participants in a Private Lien Resolution Program are being addressed. Specifically, I am writing concerning MAOs that have been contacted and invited to assert any claims they may wish to bring, but have not responded.

In a conference with the Court held earlier this year among representatives of the Avandia Plaintiffs Advisory Committee, Garretson Resolution Group ("GRG"), and GSK, GRG described the process being employed to identify and resolve lien claims. For each MAO that is identified as having insured a settling Avandia claimant, but which is not participating in a Private Lien Resolution Program, GRG has sent a certified mail notice advising that, unless they notify GRG within 30 days that they hold an interest that is related in any way to the insured's use of Avandia, it will be presumed that no such claim exists. For many of the MAOs that did not respond, GRG sent a follow-up notice letter.

GRG explained at the conference that that it intends to proceed to disburse to claimants the funds that had been held in reserve to satisfy claims by MAOs when the pertinent MAOs have not been responsive. The Court suggested that, before such funds are disbursed,

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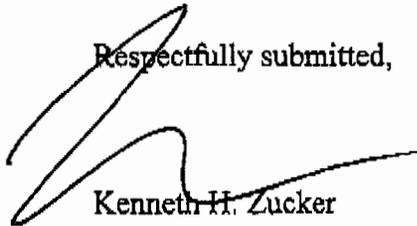
**Pepper Hamilton LLP**  
Attorneys at Law

Honorable Cynthia M. Rufe  
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MAOs be afforded a further 30 days to respond, following the posting of a Notice on the MDL docket that such disbursement will occur absent the assertion of a claim by the MAO. I am enclosing a form of such a notice, entitled Disbursement Notice to Medicare Advantage Organizations Not Participating in a Private Lien Resolution Program. GRG has committed to also sending this notice by certified mail to each MAO that had been sent an earlier notice and has not responded.

The Avandia Plaintiffs Advisory Committee, GRG, and GSK hereby request that the Court post the enclosed form of Notice. Of course, if the Court wishes that this request be made in some other fashion or any other change in course, then the parties will be guided by the Court's direction.

Respectfully submitted,



Kenneth H. Zucker

KHZ:aj  
Enclosure

cc: Vance Andrus, Avandia Plaintiffs Advisory Committee  
Stephen A. Corr, Avandia Plaintiffs Advisory Committee  
Dianne M. Nast, Avandia Plaintiffs Advisory Committee  
Joseph J. Zonies, Avandia Plaintiffs Advisory Committee  
Matthew L. Garretson, Garretson Resolution Group  
Sylvius H. von Saucken, Garretson Resolution Group  
Kevin Ehmann, Garretson Resolution Group,

(all w/encl.)